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September 15, 2018

The Honorable Barbara Moses  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl St.  
New York, NY 10007-1312

Re: Seidman v. Gax Productions LLC – Docket No.1:18-cv-2048

Dear Judge Moses:

This letter is written with regard to the Court's Order dated August 28, 2018 and the Plaintiff's responses to interrogatories and request for production of documents, provided to the Defendant on September 13th.

On September 14, 2018 Defendant wrote to Plaintiff regarding three remaining deficiencies in the responses to the Request for Production of Documents. (Defendant's Letter is attached as Exhibit 1 and the response to the Request for Production of Documents is attached as Exhibit 2).

The three requests and Plaintiff's responses follow:

1. Interrogatory Number 1. All documents related to the relationship between the Plaintiff and the New York Post at the time the photograph that is the subject of this lawsuit was taken.

**RESPONSE: OBJECTION.** Plaintiff will produce non-privileged documents responsive to this request.

2. Interrogatory Number 2. All documents between the Plaintiff and the New York Post related to the photograph that is the subject of this lawsuit.

**RESPONSE: OBJECTION.** This request is redundant. Plaintiff will produce nonprivileged documents responsive to this request.

3. Interrogatory Number 4. All documents related to the licensing and/or use of the photograph that is the subject of this lawsuit, including the nature of each use, the media platform on which the photograph appeared, and the amount of money the Plaintiff received for each use.

RESPONSE: OBJECTION. This request is redundant. Plaintiff will produce nonprivileged documents responsive to this request.

Defendant's September 14th Letter stated:

Interrogatories Number 2 and Number 4 are not redundant. Interrogatory Number 1 requests "documents related to the relationship between the Plaintiff and the *New York Post* at the time the photograph that is the subject of this lawsuit was taken. Interrogatory Number 2 requests documents between the Plaintiff and the *New York Post* related to the photograph that is the subject of this lawsuit".

Interrogatory Number 4 requests "all documents related to the licensing and/or use of the photograph that is the subject of this lawsuit, including the nature of each use, the media platform on which the photograph appeared, and the amount of money the Plaintiff received for each use. This Interrogatory is not redundant of any previous request.

Further, the responses to these three requests for production of documents states "Plaintiff will produce non-privileged documents responsive to this request". So far, no documents have been provided. If there are no documents, this must be clearly stated, and privileged documents must be identified with the reason for the privilege clearly stated.

If these issues can be clarified today [September 14th] with a third amended response, there is no reason for the Court's involvement.

No further responses were provided to Defendant on September 15th, and discovery ends on September 18, 2018.

Thank you for your consideration of this matter.

Sincerely,

*Laurence Singer*

Laurence Singer

cc: Richard Liebowitz. Esq.